

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Final Office Action mailed January 7, 2008, claims 1-14 and 20 have been rejected, and claims 15-19 have been allowed. In response, the Applicants have submitted the following remarks and amended claims 1, 6, 10, and 20. Accordingly, claims 1-20 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections Under 35 U.S.C. §102

Claims 1-4, 6-7, 9-13, and 20 have been rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,458,086 to Franco et al. (hereinafter Franco).

In the Allowable Subject Matter section of the Office Action, the Examiner indicates that the limitation in claim 15 that states a patient monitoring system for analyzing data including a data acquisition module that acquires non-implant cardiac data from the patient, wherein the data acquisition module is not coupled with the receiver has not been disclosed or suggested in the prior art when combined with the rest of the limitations of claim 15.

By the above amendments, the Applicants have amended the independent claims to include the limitations outlined by the Examiner in his statement of reasons for the indication of allowable subject matter. Specifically, the independent claims 1, 6, 10 and 20 have been amended to include the data acquisition module (non-implant sensor device) acquiring non-implant cardiac data from the patient, wherein the data acquisition module is not coupled with a receiver. Accordingly, the Applicants submit that the independent claims 1, 6, 10 and 20 are now in a condition for allowance.

Claims 2-4 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Franco. Accordingly, claims 2-4 are also allowable as being dependent upon an allowable base claim.

Claims 7 and 9 are dependent upon the independent claim 6. As discussed above, the independent claim 6 is allowable over the teachings of Franco. Accordingly, claims 7-9 are also allowable as being dependent upon an allowable base claim.

Claims 11-13 are dependent upon the independent claim 10. As discussed above, the independent claim 10 is allowable over the teachings of Franco. Accordingly, claims 11-13 are also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. §103

Claims 5 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Franco as applied to claims 1 and 10, in further view of U.S. Patent No. 4,616,333 to Shimoni (hereinafter Shimoni). Claims 5 and 14 are dependent upon the independent claim 1 and 10. As discussed above, the independent claims 1 and 10 are allowable over the teachings of Franco. Accordingly, claims 5 and 14 are also allowable as being dependent upon an allowable base claim.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Franco as applied to claim 1, and further in view of U.S. Patent No. 6,647,287 to Peel, III (hereinafter Peel). Claim 8 is dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Franco. Accordingly, claim 8 is also allowable as being dependent upon an allowable base claim.

Allowable Subject Matter


Within the Office Action, it is stated that claims 15-19 have been allowed. Claim 15 has been allowed as it states a patient monitoring system for analyzing data including a data acquisition module that acquires non-implant cardiac data from the patient, wherein the data acquisition module is not coupled with the receiver. Claims 16-19 are dependent upon the independent claim 15, which has been allowed. The Applicant respectfully thank the Examiner for the allowable subject matter.

Application No. 10/824,964
Amendment Dated March 27, 2008
Reply to Final Office Action of January 7, 2008

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Christopher M. Scherer
Reg. No. 50,655

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770